



Michigan Association of **COMMUNITY MENTAL HEALTH** **Boards**

Written comments for the House Families, Children, and Seniors Committee **May 15, 2012**

Chairman Kurtz and Members of the Committee:

My name is Alan Bolter. I am associate director of the Michigan Association of CMH Boards. MACMHB is a trade association, representing the 46 CMH boards and over 65 provider organizations. Our members provide mental health, developmental/intellectual disability and substance use disorder services for Michigan residents in all 83 counties in Michigan.

MACMHB would like to thank Chairman Kurtz for taking your time on this critical issue, and not rushing it through the committee process.

Our association has serious concerns regarding HB 5223 in its current form. HB 5223 requires the Department of Human Services to establish a program of suspicion-based substance abuse screening and testing for family independence program applicants and recipients. Additionally, requiring an applicant to pay for testing if they are found to be drug-free and denying access to benefits for six months without treatment for a positive test seems to be counterproductive at best.

HB 5223 promotes the discrimination and negative stigma individuals with substance use disorders face on a daily basis. Substance use disorders are a diagnosable and treatable illness. These disorders share many features with other chronic illnesses, such as type II diabetes, cancer and cardiovascular disease, which tend to run in families and are influenced by one's behavior. In fact, the American Society of Addiction Medicine (ASAM) most recent definition of addiction stated that addiction is a chronic brain disorder and not simply bad behavior or bad choices involving too much alcohol or drugs.

HB 5223 does not allow for a positive outcome for individuals and their families. Addressing substance use issues directly when identified is much more cost efficient in the long term than any short term gain from this legislation. Denying someone assistance because of a positive drug test does not mean that the persons in need will just go away. Jails and hospitals will see additional cases of those with untreated substance use disorders, which end up being more costly for the state. Furthermore, substance use disorders are one of the leading barriers to employment for many individuals. It would be far more beneficial and cost effective to offer treatment to individuals to as opposed to cutting them off.

Additionally, there does not appear to be any quantifiable evidence that HB 5223 is needed. Attached is an April 17, 2012 New York Times Article that examined a similar policy from the state of Florida, which has since be overturned by the courts. Florida found their law resulted in

no direct savings, found only a small number of applicants who tested positive and had no effect on the number of applicants. Over the four month period the law was in effect only 2.6% of the state's cash assistance applicants tested positive (108 of 4,086) and another 40 people refused testing. There is no reason to believe Michigan would have different results.

In its current form MACMHB would NOT be able to support HB 5223 for the reasons I stated. We simply do not believe that this policy would benefit the State of Michigan or the individuals seeking services.

Again, thank you for your time and consideration of our remarks.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan Bolter", with a stylized flourish at the end.

Alan Bolter
Associate Director

The New York Times

April 17, 2012

No Savings Are Found From Welfare Drug Tests

By LIZETTE ALVAREZ

MIAMI — Ushered in amid promises that it would save taxpayers money and deter drug users, a Florida law requiring drug tests for people who seek welfare benefits resulted in no direct savings, snared few drug users and had no effect on the number of applications, according to recently released state data.

“Many states are considering following Florida’s example, and the new data from the state shows they shouldn’t,” said Derek Newton, communications director for the American Civil Liberties Union of Florida, which sued the state last year to stop the testing and recently obtained the documents. “Not only is it unconstitutional and an invasion of privacy, but it doesn’t save money, as was proposed.”

This week, Georgia instituted a nearly identical law, with supporters saying it would foster greater personal responsibility and save money. As in Florida, the law is expected to draw a legal challenge. The Southern Center for Human Rights, based in Atlanta, said it expected to file a lawsuit once the law takes effect in the next several months. A number of other states are considering similar bills.

The Florida civil liberties group sued the state last year, arguing that the law constituted an “unreasonable search” by the government, a violation of the Fourth Amendment. In issuing a temporary injunction in October, Judge Mary S. Scriven of Federal District Court scolded lawmakers and said the law “appears likely to be deemed a constitutional infringement.”

From July through October in Florida — the four months when testing took place before Judge Scriven’s order — 2.6 percent of the state’s cash assistance applicants failed the drug test, or 108 of 4,086, according to the figures from the state obtained by the group. The most common reason was marijuana use. An additional 40 people canceled the tests without taking them.

Because the Florida law requires that applicants who pass the test be reimbursed for the cost, an average of \$30, the cost to the state was \$118,140. This is more than would have been paid out in benefits to the people who failed the test, Mr. Newton said.

As a result, the testing cost the government an extra \$45,780, he said.

And the testing did not have the effect some predicted. An internal document about Temporary Assistance for Needy Families, or TANF, caseloads stated that the drug testing policy, at least from July through September, did not lead to fewer cases.

"We saw no dampening effect on the caseload," the document said.

But supporters of the law said four months of numbers did little to discredit an effort they said was based on common sense. Drug users, no matter their numbers, should not be allowed to use taxpayer money, they said.

"We had to stop allowing tax dollars for anybody to buy drugs with," said State Representative Jimmie T. Smith, a Republican who sponsored the bill last year. Taxpayer savings also come in deterring those drug users who would otherwise apply for cash assistance but now think twice because of the law, some argued.

Chris Cinquemani, the vice president of the Foundation for Government Accountability, a Florida-based public policy group that advocates drug testing and recently made a presentation in Georgia, said more than saving money was at stake.

"The drug testing law was really meant to make sure that kids were protected," he said, "that our money wasn't going to addicts, that taxpayer generosity was being used on diapers and Wheaties and food and clothing."

Florida's governor, Rick Scott, who supported the measure last year, agreed.

"Governor Scott maintains his position that TANF dollars must be spent on TANF's purposes — protecting children and getting people back to work," said Jackie Schutz, the governor's deputy press secretary.

Last month, Mr. Scott signed into law another drug testing measure, this one permitting state agencies to randomly test up to 10 percent of their employees. The tests can be conducted every 90 days and agencies can fire or discipline employees if they test positive for drugs.

The law, which the civil liberties group said it believes is unconstitutional, takes effect in July. The courts have largely upheld drug testing for workers with public safety jobs.

